

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Arias, et al. v. The Islamic Republic of Iran</i>	19-cv-41 (GBD)(SN) ECF Case

**DECLARATION IN SUPPORT OF MOTION FOR
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF
OF ARIAS PLAINTIFF IDENTIFIED AT EXHIBIT A**

(ARIAS Supplement 1)

JOHN M. EUBANKS, Esquire, hereby states under penalty of perjury that:

1. I am an attorney with the law firm of Motley Rice LLC, attorneys for the Plaintiffs in the above-captioned matters. I submit this Declaration in support of this motion on behalf of the Plaintiffs identified in Exhibit A (attached hereto) from the action titled *Arias, et al., v. The Islamic Republic of Iran*, 19-cv-41 (GBD)(SN) (“*Arias*”).

2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s order dated January 24, 2017 (ECF No. 3435¹), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs’ Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief).”
- b. The Court’s Order dated October 14, 2016 (ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236

¹ Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

(GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977 (GBD)(SN).

3. This motion and the relief requested seeks to supplement relief requested on January 15, 2020 (*Arias IV*, ECF No. 5643).

4. Service of process on The Islamic Republic of Iran was executed pursuant to 28 U.S.C. § 1608(a) on July 3, 2019 by service through diplomatic channels.

5. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Arias* Plaintiff listed in Exhibit A, in connection with the September 11th terror attacks, other court records relating to the *In re Terrorist Attack on September 11, 2001* multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in the *In re Terrorist Attack on September 11, 2001* multidistrict litigation, and conversations with these plaintiffs and other family members of these plaintiffs. Any matters about which I lack Personal knowledge are asserted herein upon information and belief.

6. The *Arias* Plaintiff identified in Exhibit A is a decedent from the terrorist attacks on September 11, 2001.

7. Plaintiff is supplementing a previous request for damages to assert economic-loss damages.

8. The economic loss amount set forth in Exhibit A is derived from the expert report of economist Dr. Stan V. Smith, included in the attached Exhibit B.

9. Exhibit B contains the economic-loss report on digital media with a copy being provided to the Clerk's Office and a copy being provided to Chambers. Due to the sensitive financial information contained in this document, Plaintiff submits that it should remain off the public docket and under seal as has been the custom in other instances where this type of

information has been submitted to the Court. Magistrate Judge Netburn has approved the filing of these materials under seal. *See* ECF No. 5716.

10. After reviewing the records available to me regarding other judgments entered by this Court against the Iranian defendants, I have not identified any relief that has previously been awarded to the Plaintiff identified in Exhibit A other than the motion currently before the Court for pain and suffering damages and prejudgment interest.

11. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committees (ECF No. 3433) and (2) personally verified that, based on my review of the records available to me regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any plaintiff included in the judgment.

12. Accordingly, included with this motion is a proposed Order of Partial Final Judgment for the Plaintiff Identified in Exhibit A, conforming to the Court's previous orders.

Dated: January 24, 2020

/s/ John M. Eubanks
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